

MEDICAL LICENSING BOARD OF INDIANA

INDIANA GOVERNMENT CENTER SOUTH
CONFERENCE CENTER ROOM C
302 WEST WASHINGTON STREET
INDIANAPOLIS, INDIANA 46204

MINUTES OF JULY 29, 2005

Bharat H. Barai, M.D., President called the meeting to order at 10:20 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Bharat H. Barai, M.D., President
Worthe Holt, M.D., Secretary
Richard Krejsa, D.O.
Barbara Malone, J.D., Consumer Member
Ralph Steward, M.D.
William H. Beeson, M.D.

Members Absent: N. Stacy Lankford, M.D., Vice President

Staff Present: Michael Rinebold, Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
James Schmitt, Deputy Attorney General
Office of the Attorney General

Let the record reflect that Dr. Stewart was out attending to Probationary Appearances.

The Board voted to adopt the agenda and addendum as amended.

Stewart/Krejsa, 5/0/0

The Board voted to adopt the minutes of the June 23, 2005 meeting.

Holt/Krejsa, 5/0/0

PROBATIONARY APPEARANCES

(Before one member of the Board only)

The physicians listed below, appeared per their order and no other issues arose during the probationary appearance:

Glenn Ballengee, D. O.
Thomas Gellersen, M.D.
Jan Mayer, M.D.
Timothy Pohlman, M.D.
Deborah Redd, M.D.

Sally Booth, M.D.
Stephen Matthews, M.D.
Kevin McCallum, M.D.
Deborah Provisor, M.D.
Jeffrey Seizys, M.D.

PERSONAL APPEARANCES

Initial Applicants

The Board approved the following Personal Appearance recommendations submitted by all attending Board members.

Ziauddin Ahmed, M.D.
John Carroll, D.O.
Laurette Chang, M.D.
Brandon Covert, M.D.
Matthew Pugh, M.D.
Joshua Smith, M.D.
Garry Walker, M.D.

Sanjay Kuber, M.D. was tabled until the August meeting.

Krejsa/Beeson, 4/0/0

(Dr. Holt and Dr. Stewart were out during the vote on the initial applications)

Rebecca Sutton, M.D. will be heard as an appeal hearing in August.
Charles D. Williams, M.D. did not appear for his personal appearance.

The following Personal Appearances were heard by the full Board:

Brian L. Badman, M.D. – Dr. Badman is requesting the issuance of a full license. In 1994 Dr. Badman left the scene of an accident. He pled guilty and performed community service. In 1996 he received a DUI. He was ordered to do sixty (60) hours of community service, paid court fees, and his license was suspended for eight (8) months. He has not had any encounters with the Law since 1996. The Florida Medical Board fined him \$5,000 for falsifying his application for licensure. He indicated it was an honest mistake he didn't intentionally make the error. After further discussion, the Board moved to APPROVE licensure.

Barai/Malone, 5/0/0

(Dr. Holt was out during this hearing)

Jose G. Diaz, M.D. – Dr. Diaz is requesting issuance of a full license. Dr. Diaz pled no contest to a charge of sexual misconduct per his Attorney's advice. He stated the charge related to his trying to kiss a patient. He received 1 year probation and completed community service. His GA license was issued on Probation for a period of five (5) years. At this time his FL and GA licenses are in good standing. After further discussion, the Board moved to APPROVE licensure.

Stewart/Barai, 5/0/1, with Dr. Beeson abstaining

Richard Kennedy, M.D. – Dr. Kennedy is requesting issuance of a full license. In May 2003 Dr. Kennedy was stopped for speeding. He admitted to the Officer that he had been drinking. His BAC was .175. He was fined \$450.00, had to pay costs and his license was suspended for six (6) months. His OH license is in good standing. After further discussion, the Board moved to APPROVE licensure.

Stewart/Holt, 5/0/0
(Ms. Malone was out during this hearing)

PERSONAL APPEARANCES

Renewal Applicants

The Board approved the following Personal Appearance recommendations submitted by all attending Board members. Krejsa/Holt, 6/0/0

Andrew Anglemeyer, 02000985A
Darryl Fortson, 01037803A
Kathleen Glover, 01042939A
Marshall Grillo, 02002011A
John Mast, 01049135A

Jean Burr, 01055638A
Joseph Glazier, 01024859A
Charles Goodwin, 11011267A
Patrick Kay, 01047259A
Igewebuike Onyekaba, 01045490A

The following renewal personal appearances were continued to the August Board meeting.

Jeffrey Fadel, 01056695A
Jegan Jabez, 01043232A

Dale Henning, 01035513A

The following renewal personal appearances failed to appear and will be rescheduled.

Wilhelmina Garrison, 01056643A

Omar Guimaraes, 01037807A

The following renewal personal appearance withdrew his renewal application prior to the scheduled meeting.

Colin Elliott, 01041246A

The following renewal personal appearances were heard before the full Board.

Peter Carney, M.D., License No. 01034527A – Dr. Carney appeared before the Board concerning a positive response on his renewal application. Dr. Carney's Hospital privileges were revoked. He appealed the Hospital decision and during the appeal serious factual differences were found and the Hospital proceeded in line with their By-Laws and his privileges were revoked. After discussion, the Board moved to TABLE this matter until Dr. Carney obtains the following information for the Board to review: All letters from the Hospital, copy of the minutes from the Hospital meeting, copy of all the appeal information, the Hospital's side of the story, and all letters and communication concerning this matter.

Krejsa/Holt, 6/0/0

Joseph Carver, M.D., License No. 01039351A – Dr. Carver appeared before the Board concerning a positive response on his renewal application. His Hospital privileges were suspended for six (6) months. He was colleagues with a Nurse, who also became his patient. Dr. Carver had a nine (9) month romantic relationship with the Nurse/patient. When the relationship ended the Nurse/patient reported the matter to the Ohio State Medical Board. He also was suspended from a Hospital for twenty-eight (28) days and had supervision in the OR and all charts reviewed for a six (6) month period because he did not have a tissue sent away for evaluation. He has a hearing scheduled before the Ohio Board on September 26, 2005 concerning these matters. After discussion, the Board gave Dr. Carver the option of withdrawing his renewal application. Dr. Carver requested that his renewal application be withdrawn. The Board moved to GRANT the Dr.'s request to withdraw his renewal application. The Board indicated to Dr. Carver that he could reapply for renewal after the matter was settled with Ohio.

Krejsa/Holt, 6/0/0

Oliver W. Crawford, Jr., M.D., License No. 01029936A – Dr. Crawford appeared before the Board concerning a positive response on his renewal application. His IL license was suspended for over billing Medicaid by \$60,000. He indicated that he has never received anything from the State of Illinois. His license is now on Probation in IL until he pays back the money. He is making monthly payments. After discussion, the Board moved to TABLE this matter until the receive copies of the IL Board orders.

Stewart/Krejsa, 5/0/0

(Dr. Holt was out during this hearing)

The Board later received a fax copy of the IL Board orders. The orders did indicate the Dr. Crawford was on Probation until he has paid all of the \$60,000 back to Medicaid. After discussion, the Board moved to GRANT renewal of his license.

Stewart/Barai, 5/0/0

(Dr. Holt was out during this hearing)

Clyde Harvey, M.D., License No. 01045595A – Dr. Harvey appeared before the Board concerning a positive response on his renewal application. Dr. Harvey indicated that Medicaid said he was slow to answer questions and seemed to be confused. He indicated to the Board that he had a mental examination that was ordered by Medicaid. The results were not favorable. He went to a private Psychiatrist and had a mental examination. He indicated that this evaluation was fine. He had been in an auto accident and was having trouble walking so he stopped practicing Medicine. He hasn't practiced in the last three (3) years, but he has taken 160 hours of CME's in the past three (3) years. After discussion, the Board gave Dr. Harvey the option of withdrawing his renewal application. Dr. Harvey requested that his renewal application be withdrawn. The Board moved to GRANT the Dr's request to withdraw his renewal application. The Board was very concerned that Dr. Harvey hasn't practiced medicine in the past three (3) years.

Krejsa/Stewart, 5/0/0
(Dr. Holt was out during this hearing)

Mangesh Kavinde, M. D., License No. 01059611A – Dr. Kavinde appeared before the Board concerning a positive response on his renewal application. Dr. Kavinde met individually with Dr. Beeson regarding this matter. Dr. Beeson recommended that the matter be TABLED until the receipt of the CPEP evaluation. The Board moved to TABLE this matter.

Beeson/Stewart, 5/0/0
(Dr. Holt was out during this vote)

Dr. Kavinde had the CPEP evaluation faxed to the Board. The Board reviewed the evaluation. After discussion, the Board moved to GRANT renewal of his license.

Beeson/Barai, 4/0/0
(Dr. Stewart and Dr. Holt were out during this hearing)

DISCUSSION

Electronic Prescription Administrative Rule Promulgation – Mr. Joshua Bolin, Board Director of the Indiana State Board of Pharmacy address this matter with the Board. He stated that this is an electronic prescribing bill that provides practitioner's the ability to send a prescription electronically to the Pharmacy. The Medical Board is to be involved with the process of the establishment of the rules. The Board appointed Michael Rinebold, Board Director as liaison for this matter.

Amin Aiman Hassan, M.D. – Waiver request – The Board reviewed the additional information sent by Dr. Hassan. His request for a waiver had originally been denied by the Board. After discussion, the Board moved to let the DENIAL stand.

CONSENSUS

Emmeline Hazary, M.D. – Waiver request – Dr. Hazary and David Jose, counsel, appeared before the Board to discuss additional information submitted after her initial request for waiver had been denied. Dr. Jeffrey Kellams, Medical Director at Carter Hospital testified on Dr. Hazary's behalf. He indicated that he has worked with Dr. Hazary for the past year and a half (1 ½) and she is very reliable, dependent. He has no question about her ability to practice. Larry Lisak, Director of Clinical Operations, Clarian Behavioral Care Center was also here to testify on Dr. Hazary's behalf. He indicated that there is a chronic need at Clarian for Psychiatrist's and he recommends licensure. He indicated he has worked with her for the last several months and she is always very professional and caring. Mr. Jose informed the Board that if Dr. Hazary takes the examination all over, there is a possibility that her CA and MI license could be revoked. Should she fail the examination, they understand that CA and MI will revoke her license because she failed the examination. The Board stated that Dr. Hazary needs to take the examination. After discussion, the Board gave Dr. Hazary the option of withdrawing her application for licensure. Dr. Hazary requested that her application be withdrawn. The Board moved to GRANT the Dr's. request to withdraw her application.

Krejsa/Beeson, 4/1/0, with Dr. Stewart objecting
(Dr. Holt was out during this discussion matter)

ADMINISTRATIVE HEARINGS

The following hearings were continued.

Lynn Miller, M.D., License No. 0102281A, Cause No. 2005 MLB 0019

Marvin Gold, M.D., License No. 01018654A/B, Cause No. 2005 MLB 0026

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days.

Beeson/Krejsa, 4/0/1, with Dr. Stewart objecting
(Dr. Hold was out during this hearing)

Robert C. Richards, M.D., License No. 01060540A, Cause No. 2005 MLB 0017

Respondent did not appear in person and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Felicia Warren. Dr. Richards hold licenses in Utah, Idaho, and Indiana. He had criminal charges

in Utah due to his addiction problem. He entered into a Plea of Abance with Utah and after one (1) year all charges were expunged from his record. He moved to Indiana May 2005 and entered IOP at Gallahue. He signed a contract with ISMA in March 2005 (by mail). He admitted that he lied to Ms. Baxter at ISMA and to the Board when he first appeared before the Board. ISMA requested that he go to RUSH, he could not afford to go so ISMA closed his contract. He contacted Idaho and they have agreed to monitor him. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

Beeson/Stewart, 5/0/0
(Dr. Holt was out during this hearing)

Vishwanath Gundur, M.D., License No. 010143877A, Cause No. 2003 MLB 0005

Respondent did not appear in person and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Dan Cavallini, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren. Mr. Cavallini informed the Board that the Respondent is currently in RUSH. On April 30, 2005 he admitted to a relapse and was suspended from the Hospital. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Barai/Malone, 5/0/0
(Dr. Holt was out during this hearing)

The Board further moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

Barai/Krejsa, 5/0/0
(Dr. Holt was out during this hearing)

Michael Wilford French, M.D., License No. 01029459A, Cause No. 2002 MLB 0030

Respondent did not appear in person and was not represented by counsel regarding a Settlement Agreement scheduled before the Board. The State of Indiana was represented by Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren. An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Steven Douglas, Deputy Attorney General. The agreement included INDEFINITE SUSPENSION for a period of forty (40) years. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Beeson/Krejsa, 2/1/2, with Dr. Stewart opposed and Dr. Barai and Ms. Malone abstaining.

Michael Linton, M.D., License No. 01030912A, Cause No. 2004 MLB 0029
(Hearing was recessed at 12:10am and completed on Friday, July 29th.)

Respondent did appear in person and was represented by David Jenson and Ina Sampson regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Michael Minglin, Special Deputy Attorney General and Patrick McCool, Deputy Attorney General and the court reporters sworn in for this matter were Felicia Warren and Sherri Rutledge. Dr. James Nokron was sworn in to testify as a witness for the State. Dr. Ellis was sworn in to testify as a witness for the Respondent. Dr. Nocon testified on each patient, with the Direct, Cross and Board questions occurring on each patient account before moving on to the next patient. Dr. Ellis was second to testify on each patient, with the Direct, Cross and Board questions occurring on each patient account before moving on to the next patient. The Respondent testified last on each patient, with the Direct, Cross and Board questions occurring on each patient account before moving on to the next patient. The following patient's accounts were reviewed: Patient E, Patient A, Patient D, Patient I, Patient J, Patient C, Patient K, Patient H, Patient G, Patient F and Patient B. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE PROBATION for a period of five (5) years, must have a CPEP within four (4) months, must have a supervisor and a plan of action submitted to the board within three (3) months, thirty (30) hours of CME;s per year on High Risk pregnancies, can't modify terms of probation for five (5) years, no high risk patients for a two (2) year period, and quarterly personal appearances with the Board. This vote failed to pass.

Stewart/No second

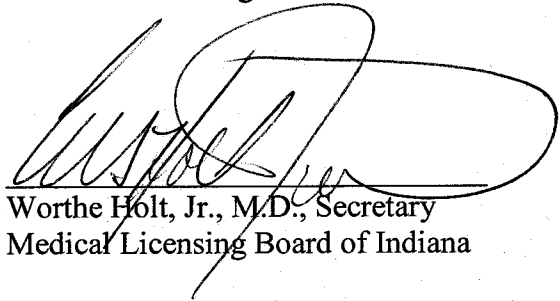
After further discussion, the Board moved to place the Respondent's license on INDEFINITE PROBATION; must have a CPEP evaluation within four (4) months; must submit the name of a Supervisor and a plan to the Board within sixty (60) days; must submit supervisory reports quarterly; each year he must complete twenty (20) CME hours in High Risk Pregnancy and ten (10) CME hours in Risk Management/Documentation; quarterly personal appearances; can only practice in a group practice setting; and must pay a \$2,000 fine within six (6) months.

Beeson/Holt, 4/2/0, with Dr. Krejsa and Dr. Barai ^{opposed} ~~abstaining~~. *corrected by Joe*

There being no further business the meeting adjourned at 12:10 a.m.



Bharat Barai, M.D., President
Medical Licensing Board of Indiana



Worthe Holt, Jr., M.D., Secretary
Medical Licensing Board of Indiana